

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RANDY SIFUENTES,

Petitioner,

v.

UNKNOWN,

Respondent.

Case No. 2:21-cv-01244-JDP (HC)

ORDER DIRECTING MR. SIFUENTES TO  
SUBMIT A PETITION FOR WRIT OF  
HABEAS CORPUS AND EITHER THE  
FILING FEE OR AN APPLICATION TO  
PROCEED IN FORMA PAUPERIS

Randy Sifuentes is a state prisoner without counsel. This action was opened when he submitted to the court a motion for a ninety-day extension of time to file a petition for a writ of habeas corpus. ECF No. 1. Mr. Sifuentes has not properly commenced a civil action.

To commence a civil action, a party is required to file a complaint or a petition. Fed. R. Civ. P. 3; Rule 3, Rules Governing § 2254 Cases; *Woodford v. Garceau*, 538 U.S. 202, 203 (2003). Challenges to the validity of confinement or the duration of confinement are properly brought in a habeas action. If Mr. Sifuentes intends to commence a federal habeas action, he must file a signed petition stating his grounds for relief. All petitions for writs of habeas corpus must be filed on the proper form, which the court will provide to Mr. Sifuentes. E.D. Cal. L.R. Cal. 190(b); *see also* Rule 2(c)-(d), Fed. R. Governing § 2254 Cases. In addition, Mr. Sifuentes must either pay the \$5 filing fee or submit a complete application for leave to proceed *in forma pauperis*. Until he files a signed petition and either pays the filing fee or a completed application

1 to proceed *in forma pauperis*, there is no case before the court.

2 Accordingly, it is hereby ORDERED that:

3 1. The Clerk of the Court shall send Mr. Sifuentes the court's form petition for a writ of  
4 habeas corpus and an application to proceed *in forma pauperis*.

5 2. Mr. Sifuentes shall submit, within thirty days of the date of this order, a signed petition  
6 for writ of habeas corpus that states the grounds for relief.

7 3. Within thirty days of the date of this order, Mr. Sifuentes shall either submit the \$5  
8 filing fee or a completed application to proceed *in forma pauperis*.

9 4. Failure to comply with this order may result in this case being closed.

10 IT IS SO ORDERED.  
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12 Dated: July 25, 2021

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14 JEREMY D. PETERSON  
15 UNITED STATES MAGISTRATE JUDGE  
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